

a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that it be not sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act or other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18241. Misbranding of canned tomato sauce. U. S. v. 175 Cases of Canned Tomato Sauce. Consent decree of condemnation and forfeiture. Product ordered released upon deposit of collateral. (F. & D. No. 26095. I. S. No. 12551. S. No. 4417.)

Samples of canned tomato sauce having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On March 30, 1931, the United States attorney filed in the District Court aforesaid a libel praying seizure and condemnation of 175 cases of canned tomato sauce, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Greco Canning Co., San Jose, Calif., from San Francisco, Calif., on or about February 17, 1931, and had been transported from the State of California into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "6 Doz. 8 Oz. Pep Spanish Style Hot Sauce Packed by Greco Canning Co., San Jose, Calif.;" (can) "Pep Spanish Style Hot Sauce * * * Net Contents 8 oz."

It was alleged in the libel that the article was misbranded in that the statement on the case and can label, "8 oz.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously stated on the outside of the package, since the statement made was incorrect.

On April 21, 1931, the Greco Canning Co. (Inc.), San Jose, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of certified check in the sum of \$400, the said check to be returned to the claimant upon condition that the product be relabeled under the supervision of this department so that it conform to the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18242. Adulteration of oysters. U. S. v. R. E. Roberts (Roy E. Roberts, trading as Wm. D. Gude & Co.). Plea of guilty. Fine, \$10. (F. & D. No. 25686. I. S. Nos. 026752, 026753, 028722.)

Samples of oysters from the shipments herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On March 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against R. E. Roberts, to wit, Roy E. Roberts, trading as Wm. D. Gude & Co., Baltimore, Md., alleging shipment by said defendant, in violation of the food and drugs act, on or about December 11, 1929, from the State of Maryland in part into the State of Illinois, and in part into the State of New York, of quantities of oysters which were adulterated. The article was labeled in part: "Premium Brand Oysters * * * Packed by Wm. D. Gude & Co. Baltimore, Md."

It was alleged in the information that the article was adulterated in that a substance, added water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article.

On March 24, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18243. Adulteration of scallops. U. S. v. Isaac H. Tawes and Gordon C. Willis (Gordon C. Willis Co.). Pleas of guilty. Fine, \$1 and costs. (F. & D. No. 25012. I. S. No. 05762.)

Samples of scallops from the shipment herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of North Carolina.